

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

55610/DBP/A400

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/542,392

INTERNATIONAL APPLICATION NO.

PCT/JP2004/000319

INTERNATIONAL FILING DATE

January 16, 2004

PRIORITY DATE CLAIMED

January 17, 2003

TITLE OF INVENTION

PLANT-CULTIVATING DEVICE AND PLANT-CULTIVATING METHOD

APPLICANT(S) FOR DO/EO/US

Yuichi Mori et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV326705266US
23. ☒ Other items or information:

**Verified Statement Claiming Small Entity Status and Request for Partial Refund (w/Small Business Concern)**  
Small Entity Status is hereby claimed.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |   |            |   |                |
|--|--------------|---|------------|---|----------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)<br><b>10/542,392</b>  |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/JP2004/000319</b>                 |            | ATTORNEY'S DOCKET NUMBER<br><b>55610/DBP/A400</b> |                |
| The following fees are submitted:  |              |   |            | <b>CALCULATIONS</b>                               | <b>PTO USE</b> |
| 24. <input type="checkbox"/> Basic national fee . . . . .  |              |   |            | \$300   | \$0.00         |
| 25. <input type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims<br>satisfy provisions of PCT Article 33(1)-(4). . . . .   |              |   |            | \$100   | \$0.00         |
| All other situations. . . . .  |              |   |            | \$200   |                |
| 26. <input type="checkbox"/> Search fee . . . . .  |              |   |            |   |                |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to<br>the USPTO as an International Searching Authority . . . . .   |              |   |            | \$100   |                |
| International Search Report prepared and provided to the Office . . . . .  |              |   |            | \$400   |                |
| All other situations. . . . .  |              |   |            | \$500   | \$0.00         |
| <b>TOTAL OF 24, 25 and 26 =</b>  |              |   |            | \$  | \$0.00         |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding<br>sequence listing or computer program listing filed in an electronic medium). The fee is<br>\$250 for each additional 50 sheets of paper or fraction thereof. |              |   |            |   |                |
| Total Sheets   | Extra Sheets | Number of each additional 50 or<br>fraction thereof (round up to a whole) |            | RATE  |                |
| - 100 =  | 0            | /50 =   |            | 0   | x \$250.00     |
|  |              |   |            | \$  | \$0.00         |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the<br>earliest claimed priority date (37 CFR 1.492(e)).   |              |   |            | \$  |                |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA  | RATE       |   |                |
| Total claims   | - 20 =       | 0   | x \$50.00  | \$  | \$0.00         |
| Independent claims   | - 3 =        | 0   | x \$200.00 | \$  | \$0.00         |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |   |            | \$  | \$0.00         |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |   |            | \$  | \$0.00         |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are<br>reduced by 1/2.  |              |   |            | \$  | \$0.00         |
| <b>SUBTOTAL =</b>  |              |   |            | \$  | \$0.00         |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from<br>the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | \$  | \$0.00         |
| <b>TOTAL NATIONAL FEE =</b>  |              |   |            | \$  | \$0.00         |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be<br>accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +   |              |   |            | \$  | \$0.00         |
| <b>TOTAL FEES ENCLOSED =</b>   |              |   |            | \$  | \$0.00         |
|  |              |   |            | Amount to be                                      | \$             |
|  |              |   |            | Amount to be                                      | \$             |

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

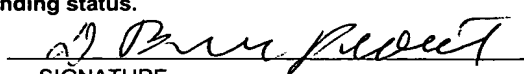
c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment  
to Deposit Account No. 03-1728. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b))  
must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**CUSTOMER NUMBER: 23363**  
**D. Bruce Prout**  
**Christie, Parker and Hale, LLP**  
**P.O. Box 7068**  
**Pasadena, CA 91109-7068**  
**Telephone: 626-795-9900**

  
 SIGNATURE  
**D. Bruce Prout**  
 NAME  
**20,958**  
 REGISTRATION NUMBER

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Express Mail No. EV326705266US**

Appl No. : 10/542,392 Confirmation No. N/A  
Applicant : Yuichi Mori, et al.  
Filed : July 15, 2005  
Title : PLANT-CULTIVATING DEVICE AND PLANT-CULTIVATING  
METHOD  
TC/A.U. : N/A  
Examiner : N/A  
Docket No. : 55610/DBP/A400  
Customer No. : 23363

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
AND REQUEST FOR PARTIAL REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
September 13, 2005

Commissioner:

Applicant hereby claims Small Entity status as of the date of payment of the filing fee. Enclosed is a Verified Statement (Declaration) Claiming Small Entity Status-Small Business Concern.

A fee in the amount of \$1250 was paid on July 15, 2005 as a non-small entity status. The excess over a small entity fee is \$625.

Applicant hereby requests that a refund of the excess fee

Appln No. 10/542,392  
Amdt date September 13, 2005  
Reply to Office action of

be made by check with this firm as payee. Please indicate our  
docket number on the check. **A copy of this request is enclosed.**

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By *D Bruce Prout*  
D. Bruce Prout  
Reg. No. 20,958  
626/795-9900

DBP/djp

Enclosure: Copy of this request; Small Entity Declaration  
DJP PAS642590.1--\*-09/13/05 10:45 AM